

ORIGINAL

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AO 91 (Rev. 08/09) Criminal Complaint

Special Agent

: LinPaolo E. Aguja, HSI

Telephone: 734-941-5784

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

8

United States of America,

Plaintiff,

v.

Snehal Yogeshkumar SHAH

Case: 2:15-mj-30414
Assigned To : Unassigned
Assign. Date : 9/2/2015
Description: CMP. USA v. SHAH (S())

Defendant(s).

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief:

On or about the date(s) of July and August 2015, in the county of Washtenaw
in the Eastern District of Michigan, the defendant(s) violated:

Code Section

18 U.S.C. Section 2251(a)
18 U.S.C. Section 2252A(a)(2)
18 U.S.C. Section 2252A(a)(5)

Offense Description

Attempted production of child pornography
Receipt and distribution of child pornography
possession of child pornography

This criminal complaint is based on these facts:

See attached affidavit

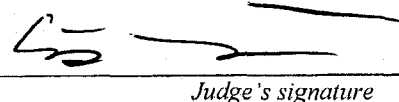
☐ Continued on the attached sheet.


Complainant's signature

LinPaolo E. Aguja, HSI Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: September 2, 2015


Judge's signature

City and state: Detroit, Michigan

Anthony Patti, U.S. Magistrate Judge
Printed name and title

**AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR
CRIMINAL COMPLAINT AND ARREST WARRANT**

I, LinoPaolo E. Aguja a Special Agent (SA) with Homeland Security Investigations (HSI), being duly sworn, depose and state as follows:

INTRODUCTION

1. I have been employed as a Special Agent of HSI since September 12, 2005, and am currently assigned to HSI Detroit Metropolitan Airport (DMA) Group. As part of the HSI DMA group, I work with the Ann Arbor Police Department in enforcing criminal statutes involving the sexual exploitation of children. While employed by HSI, I have investigated federal criminal violations related to high technology or cybercrime, child exploitation, and child pornography. I am a graduate of the Federal Law Enforcement Training Center's Criminal Investigator Training Program and the Immigration and Customs Enforcement Special Agent Training Program.

2. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents/officers and witnesses, including verification of my opinions. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

3. This affidavit is made in support of an application for a criminal complaint and arrest warrant for Snehal Yogeshkumar SHAH for the attempted production, distribution, receipt and possession of child pornography in violation of 18 U.S.C. §§ 2251(a), 2252A(a)(2), and 2252A(a)(5)(B).

4. The facts set forth in this affidavit are based upon my personal observations, my training and experience, and information made available to me by other law enforcement professionals. These facts are provided for the sole purpose of establishing probable cause for the issuance of a criminal complaint and arrest warrant; therefore, this affidavit does not necessarily contain all information uncovered during this investigation.

II. BACKGROUND OF INVESTIGATION

5. On or about August 7, 2015, Ann Arbor Police Department received a cyber-tip line report from the National Center for Missing and Exploited Children (NCMEC). In the NCMEC report, the complainant stated that she had been having online contact with Snehal Yogeshkumar SHAH since March of 2015, and was concerned when SHAH made statements to her on August 1, 2015, that he had engaged in sexual acts with his 13 year-old daughter. The complainant provided NCMEC with access to the Facebook chats she had with SHAH. In the chats, SHAH states to the complainant that his daughter "sucked my cock last night for first time."

6. A review of the chats between SHAH and complainant also revealed that SHAH, using Facebook account Snehal Shah, repeatedly asked the complainant to engage in sexual acts with her minor children, including her daughter and son. SHAH also asked the complainant to take pictures of her children naked. Specifically, SHAH wrote:

- a. On August 1, 2015, at 12:52 pm: "You know boys like their asshole to be fingered, right?"
- b. On August 1, 2015, at 12:54 pm : "Girls usually like to see their daddy's cock grow and have a wish to put it in momma's pussy."

- c. On August 1, 2015, at 1:05 pm, the complainant told SHAH her daughter had “just turned 10.” SHAH responded: “that’s the perfect age. Perfect age to channelize them to erotic and sexual pleasures. Right before puberty sets in. It will be very natural. And puberty won’t be confusing.”
- d. On August 1, 2015, at 1:16 pm, SHAH wrote to the complainant: “Yes send me pics. Of all kids so I can see them. And night you send naked ones. I am so glad and happy.”

7. The cyber-tip information was provided to both the Ann Arbor Police Department and to the Lake County State’s Attorney’s Office in the state of Illinois due to SHAH having residences located in both Illinois and Michigan.

8. On August 8, 2015, Ann Arbor Police Department executed a search warrant at SHAH’s residence at 3035 Cloverly Court, Ann Arbor, Michigan. SHAH, his daughter, and her mother were located at the residence.

9. Ann Arbor Police Department seized several electronic devices, including three (3) laptops, three (3) iPads, and two (2) iPhones from SHAH’s residence.

10. On August 11, 2015, SHAH went to the Ann Arbor Police Department and was interviewed by Ann Arbor Police Detectives. SHAH came to the Police Department for a follow-up interview. The interview was recorded by Detective Bonnie Theil. SHAH made the following statements:

- a. SHAH was in a Facebook group discussion that talked about how to get child pornographic images. SHAH was told to download Kik messenger and set up a DropBox account.

- b. SHAH joined a group on Kik messenger at the instruction of one of the Facebook group discussion members. SHAH acknowledged that the purpose of the Kik messenger group was be a forum and means to exchange child pornographic images.
- c. SHAH explained that to be part of the Kik messenger group, SHAH had to send the group five (5) "unique" images of children engaging in sexual acts. SHAH indicated that he received five (5) images from a person he was talking with on Facebook via Kik messenger which SHAH in turn sent to the Kik messenger group. SHAH described the images he sent to the group as child pornography.
- d. SHAH was allowed into the Kik messenger group and gained access to numerous DropBox accounts where the members could actively view, share, and trade images of child sexually explicit images.

11. Ann Arbor Police Department conducted a forensic examination on SHAH's iPhone, which revealed the following:

- a. A total of 205 images and 42 videos of child pornography were recovered from SHAH's phone. An additional 29 images and 132 video thumbnails were located in a Dropbox application. All of the images and videos of child pornography depicted children estimated to be under the age of 14, with the majority being between the ages of 8 and 12. SHAH's collection also included depictions of infants, toddlers, and children between the ages of 5 and 8. In

the images and videos, the children are engaged in sexual acts, sexual intercourse, erotic nudity, masturbation, and passive sexual involvement.

- b. The Kik application was present on SHAH's phone, and the forensic examination determined that on 21 occasions, SHAH used Kik to send child pornography to other Kik users. The username associated with SHAH's phone is "**pussyaddict**." Specifically:

- (i) On July 15, 2015, SHAH sent an image of child pornography to another Kik user. The image depicted a naked female child (approximately between the ages of 8 and 12) sitting on top of a male. In the image, the female child and the male appear to be engaging in penis-anal intercourse.
- (ii) On July 17, 2015, SHAH sent a Kik Chat group message with four images of child pornography. The images all depicted naked minor girls, and in one picture, a girl between the ages of 8 and 10 is engaged in penis to vagina intercourse with a male.
- (iii) On July 19, 2015, SHAH sent a video of child pornography to another Kik user. The video depicted three female children. One child is completely naked and appears to be between the ages of 5 and 8, while the other two are partially clothed and between the ages of 8 and 12. In the video, one of the older girls uses a vibrator on the genitals of the youngest girl.

- c. Between July 24, 2015 and August 7, 2015, SHAH engaged in Kik Chat conversations with a Kik user who stated that she was 14 years old (Potential Minor Victim One, or PMV-1). SHAH tells PMV-1 that he is 40 years old, and asks her if she likes older men. SHAH and PMV-1 then engage in several conversations regarding SHAH travelling to see PMV-1 to engage in sex. SHAH also asks PMV-1 if she is a virgin, and tells her "I would like to have your virginity." SHAH then asks PMV-1 for naked photographs. On July 25, 2015, PMV-1 sent SHAH two videos. In one video, a close-up of a female's genitals are visible, with a finger being inserted into her vagina. After receiving the videos, SHAH asks PMV-1 for further videos, stating: "face and everything baby," and "complete nude." SHAH makes sexual comments, and sends PMV-1 two pictures of a male's erect penis.
- d. Between December 21, 2014 and August 6, 2015, SHAH engaged in Kik Chat conversations with another Kik user who stated that she was 14 years old (Potential Minor Victim Two, or PMV-2). SHAH sent images of his penis to PMV-2 and asked her on several occasions for nudge images of herself. On December 21, 2014, PMV-2 sent a photograph depicting a naked female's genitals to SHAH. SHAH also discussed having sex with PMV-2. On August 6, 2015, he wrote: "if you want to get fucked then let me know."

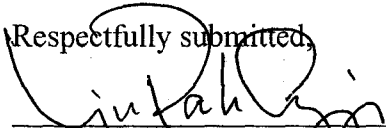
CONCLUSION

12. Your Affiant respectfully submits that there is probable cause to believe that Snehal Yogeshkumar SHAH attempted to produce child pornography, in violation of 18 U.S.C. §

2251(a), received and distributed child pornography in violation of 18 U.S.C. § 2252(a)(2), and possessed child pornography in violation of 18 U.S.C. § 2252(a)(5)(B).

13. Wherefore by this affidavit and application, Affiant requests that the Court authorize the issuance of a criminal complaint and arrest warrant for Snehal Yogeshkumar SHAH.

Respectfully submitted,


Lino Paolo E. Aguja, Special Agent
Department of Homeland Security
Homeland Security Investigations

Sworn and subscribed before me this 2nd day of September 2015.



ANTHONY PATTI
UNITED STATES MAGISTRATE JUDGE